

A circular black and white stamp from the Patent & Trademark Office. The text "O-I-P-E IAP2" is curved along the top inner edge. The date "APR 23 2007" is stamped in the center. The text "PATENT & TRADEMARK OFFICE" is curved along the bottom inner edge.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 18th day of April, 2007.

Michelle Ludwig
Michelle Ludwig

In re application of: Bogdanova et al.

Serial No.: 10/525,318

Filed: February 23, 2005

371 Acceptance: October 7, 2005

**For: Nucleotide Sequence Encoding Cry1Bb
Proteins for Enhanced Expression Plants**

) Examiner: Anne R. Kubelik

) Group Art Unit: 1638

) Conf. No. 5329

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

- | | |
|--------------|---|
| <u> X </u> | Response to Election/Restriction Requirement Under 35 U.S.C. §121 and 372 |
| <u> X </u> | Return Postcard |
| <u> X </u> | If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 13-4125 accordingly. |
| <u> X </u> | No fee is believed required with this filing. |
| <u> X </u> | Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125. A duplicate copy of this sheet is attached. |

Respectfully submitted,

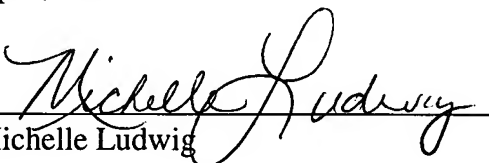


Timothy K. Ball, Ph.D., Esq.
Reg. No. 42,287
800 North Lindbergh Boulevard, Mail Zone E1NA
St. Louis, Missouri 63167
(314) 694-5811
(314) 694-5311 (facsimile)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 18th day of April, 2007.


Michelle Ludwig

In re application of: Bogdanova et al.)
) Examiner: Anne R. Kubelik
Serial No.: 10/525,318)
) Group Art Unit: 1638
Filed: February 23, 2005)
371 Acceptance: October 7, 2005)
) Conf. No. 5329
For: Nucleotide Sequence Encoding Cry1Bb)
Proteins for Enhanced Expression Plants)

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT
UNDER 35 U.S.C. §121 AND 372

This paper is filed in response to the Election/Restriction Requirement dated March 21, 2007. It is respectfully requested that the election below be entered without traverse and that the application be examined on the merits.

Remarks

In the Action dated March 21, 2007, the U.S. Patent and Trademark Office required restriction under U.S.C. §121 and 372 from among the following groups:

I. Claims 1-17 and 19-22, drawn to a nucleic acid, an expression cassette, plant, seed or plant cell comprising it, a method of making the plant cells, and a methods of using the plant in breeding.

II. Claim 18, drawn to a protein.

Applicant elects Group I consisting of Claims 1-17 and 19-22 without traverse and respectfully requests that the application be examined on the merits. Further, Applicant reserves the right to file divisional applications to further prosecute non-elected groups.

Should any questions arise or if Applicant or Applicant's attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy K. Ball', is written over a horizontal line.

Timothy K. Ball, Ph.D., Esq.

Reg. No. 42,287

800 North Lindbergh Boulevard

Mail Zone E1NA

St. Louis, Missouri 63167

(314) 694-5811

(314) 694-5311 (facsimile)